



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/03/04, by Michael K. Smith

SYNOPSIS AS INTRODUCED:

70 ILCS 805/8 from Ch. 96 1/2, par. 6315
70 ILCS 1205/8-1 from Ch. 105, par. 8-1

Amends the Downstate Forest Preserve District Act and the Park District Code. Provides that contracts for supplies, materials, and work that exceed \$20,000 (instead of \$10,000) must be let by competitive bidding.

LRB093 15027 BDD 43945 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Downstate Forest Preserve District Act is
5 amended by changing Section 8 as follows:

6 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

7 Sec. 8. Powers and duties of corporate authority and
8 officers; contracts; salaries.

9 (a) The board shall be the corporate authority of such
10 forest preserve district and shall have power to pass and
11 enforce all necessary ordinances, rules and regulations for the
12 management of the property and conduct of the business of such
13 district. The president of such board shall have power to
14 appoint such employees as may be necessary. In counties with
15 population of less than 3,000,000, within 60 days after their
16 selection the commissioners appointed under the provisions of
17 Section 3a of this Act shall organize by selecting from their
18 members a president, secretary, treasurer and such other
19 officers as are deemed necessary who shall hold office for the
20 fiscal year in which elected and until their successors are
21 selected and qualify. In the one district in existence on July
22 1, 1977, that is managed by an appointed board of
23 commissioners, the incumbent president and the other officers
24 appointed in the manner as originally prescribed in this Act
25 shall hold such offices until the completion of their
26 respective terms or in the case of the officers other than
27 president until their successors are appointed by said
28 president, but in all cases not to extend beyond January 1,
29 1980 and until their successors are selected and qualify.
30 Thereafter, the officers shall be selected in the manner as
31 prescribed in this Section except that their first term of
32 office shall not expire until June 30, 1981 and until their

1 successors are selected and qualify.

2 (b) In any county, city, village, incorporated town or
3 sanitary district where the corporate authorities act as the
4 governing body of a forest preserve district, the person
5 exercising the powers of the president of the board shall have
6 power to appoint a secretary and an assistant secretary and
7 treasurer and an assistant treasurer and such other officers
8 and such employees as may be necessary. The assistant secretary
9 and assistant treasurer shall perform the duties of the
10 secretary and treasurer, respectively in case of death of such
11 officers or when such officers are unable to perform the duties
12 of their respective offices. All contracts for supplies,
13 material or work involving an expenditure in excess of \$20,000
14 ~~\$10,000~~ shall be let to the lowest responsible bidder, after
15 advertising at least once in one or more newspapers of general
16 circulation within the district, excepting work requiring
17 personal confidence or necessary supplies under the control of
18 monopolies, where competitive bidding is impossible. Contracts
19 for supplies, material or work involving an expenditure of
20 \$20,000 ~~\$10,000~~ or less may be let without advertising for
21 bids, but whenever practicable, at least 3 competitive bids
22 shall be obtained before letting such contract. All contracts
23 for supplies, material or work shall be signed by the president
24 of the board of commissioners or by any such other officer as
25 the board in its discretion may designate.

26 (c) The president of any board of commissioners appointed
27 under the provisions of Section 3a of this Act shall receive a
28 salary not to exceed the sum of \$2500 per annum and the salary
29 of other members of the board so appointed shall not exceed
30 \$1500 per annum. Salaries of the commissioners, officers and
31 employees shall be fixed by ordinance.

32 (Source: P.A. 85-993.)

33 Section 10. The Park District Code is amended by changing
34 Section 8-1 as follows:

1 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

2 Sec. 8-1. General corporate powers. Every park district
3 shall, from the time of its organization, be a body corporate
4 and politic by such name as set forth in the petition for its
5 organization or such name as it may adopt under Section 8-8
6 hereof and shall have and exercise the following powers:

7 (a) To adopt a corporate seal and alter the same at
8 pleasure; to sue and be sued; and to contract in furtherance of
9 any of its corporate purposes.

10 (b) (1) To acquire by gift, legacy, grant or purchase, or
11 by condemnation in the manner provided for the exercise of the
12 power of eminent domain under Article VII of the Code of Civil
13 Procedure, approved August 19, 1981, as amended, any and all
14 real estate, or rights therein necessary for building, laying
15 out, extending, adorning and maintaining any such parks,
16 boulevards and driveways, or for effecting any of the powers or
17 purposes granted under this Code as its board may deem proper,
18 whether such lands be located within or without such district;
19 but no park district, except as provided in paragraph (2) of
20 this subsection, shall have any power of condemnation in the
21 manner provided for the exercise of the power of eminent domain
22 under Article VII of the Code of Civil Procedure, approved
23 August 19, 1981, as amended, or otherwise as to any real
24 estate, lands, riparian rights or estate, or other property
25 situated outside of such district, but shall only have power to
26 acquire the same by gift, legacy, grant or purchase, and such
27 district shall have the same control of and power over lands so
28 acquired without the district as over parks, boulevards and
29 driveways within such district.

30 (2) In addition to the powers granted in paragraph (1) of
31 subsection (b), a park district located in more than one
32 county, the majority of its territory located in a county over
33 450,000 in population and none of its territory located in a
34 county over 1,000,000 in population, shall have condemnation
35 power in the manner provided for the exercise of the power of
36 eminent domain under Article VII of the Code of Civil

1 Procedure, approved August 19, 1981, as amended, or as
2 otherwise granted by law as to any and all real estate situated
3 up to one mile outside of such district which is not within the
4 boundaries of another park district.

5 (c) To acquire by gift, legacy or purchase any personal
6 property necessary for its corporate purposes provided that all
7 contracts for supplies, materials or work involving an
8 expenditure in excess of \$20,000 ~~\$10,000~~ shall be let to the
9 lowest responsible bidder, considering conformity with
10 specifications, terms of delivery, quality, and
11 serviceability, after due advertisement, excepting contracts
12 which by their nature are not adapted to award by competitive
13 bidding, such as contracts for the services of individuals
14 possessing a high degree of professional skill where the
15 ability or fitness of the individual plays an important part,
16 contracts for the printing of finance committee reports and
17 departmental reports, contracts for the printing or engraving
18 of bonds, tax warrants and other evidences of indebtedness,
19 contracts for utility services such as water, light, heat,
20 telephone or telegraph, contracts for the use, purchase,
21 delivery, movement, or installation of data processing
22 equipment, software, or services and telecommunications and
23 interconnect equipment, software, or services, contracts for
24 duplicating machines and supplies, contracts for goods or
25 services procured from another governmental agency, purchases
26 of equipment previously owned by some entity other than the
27 district itself, and contracts for the purchase of magazines,
28 books, periodicals, pamphlets and reports and excepting where
29 funds are expended in an emergency and such emergency
30 expenditure is approved by 3/4 of the members of the board.

31 All competitive bids for contracts involving an
32 expenditure in excess of \$20,000 ~~\$10,000~~ must be sealed by the
33 bidder and must be opened by a member or employee of the park
34 board at a public bid opening at which the contents of the bids
35 must be announced. Each bidder must receive at least 3 days
36 notice of the time and place of the bid opening.

1 For purposes of this subsection, "due advertisement"
2 includes, but is not limited to, at least one public notice at
3 least 10 days before the bid date in a newspaper published in
4 the district or, if no newspaper is published in the district,
5 in a newspaper of general circulation in the area of the
6 district.

7 (d) To pass all necessary ordinances, rules and regulations
8 for the proper management and conduct of the business of the
9 board and district and to establish by ordinance all needful
10 rules and regulations for the government and protection of
11 parks, boulevards and driveways and other property under its
12 jurisdiction, and to effect the objects for which such
13 districts are formed.

14 (e) To prescribe such fines and penalties for the violation
15 of ordinances as it shall deem proper not exceeding \$1,000 for
16 any one offense, which fines and penalties may be recovered by
17 an action in the name of such district in the circuit court for
18 the county in which such violation occurred. The park district
19 may also seek in the action, in addition to or instead of fines
20 and penalties, an order that the offender be required to make
21 restitution for damage resulting from violations, and the court
22 shall grant such relief where appropriate. The procedure in
23 such actions shall be the same as that provided by law for like
24 actions for the violation of ordinances in cities organized
25 under the general laws of this State, and offenders may be
26 imprisoned for non-payment of fines and costs in the same
27 manner as in such cities. All fines when collected shall be
28 paid into the treasury of such district.

29 (f) To manage and control all officers and property of such
30 districts and to provide for joint ownership with one or more
31 cities, villages or incorporated towns of real and personal
32 property used for park purposes by one or more park districts.
33 In case of joint ownership, the terms of the agreement shall be
34 fair, just and equitable to all parties and shall be set forth
35 in a written agreement entered into by the corporate
36 authorities of each participating district, city, village or

1 incorporated town.

2 (g) To secure grants and loans, or either, from the United
3 States Government, or any agency or agencies thereof, for
4 financing the acquisition or purchase of any and all real
5 estate, or rights therein, or for effecting any of the powers
6 or purposes granted under this Code as its Board may deem
7 proper.

8 (h) To establish fees for the use of facilities and
9 recreational programs of the districts and to derive revenue
10 from non-resident fees from their operations. Fees charged
11 non-residents of such district need not be the same as fees
12 charged to residents of the district. Charging fees or deriving
13 revenue from the facilities and recreational programs shall not
14 affect the right to assert or utilize any defense or immunity,
15 common law or statutory, available to the districts or their
16 employees.

17 (i) To make contracts for a term exceeding one year, but
18 not to exceed 3 years, notwithstanding any provision of this
19 Code to the contrary, relating to: (1) the employment of a park
20 director, superintendent, administrator, engineer, health
21 officer, land planner, finance director, attorney, police
22 chief, or other officer who requires technical training or
23 knowledge; (2) the employment of outside professional
24 consultants such as engineers, doctors, land planners,
25 auditors, attorneys, or other professional consultants who
26 require technical training or knowledge; and (3) the provision
27 of data processing equipment and services. With respect to any
28 contract made under this subsection (i), the corporate
29 authorities shall include in the annual appropriation
30 ordinance for each fiscal year an appropriation of a sum of
31 money sufficient to pay the amount which, by the terms of the
32 contract, is to become due and payable during that fiscal year.

33 (j) To enter into licensing or management agreements with
34 not-for-profit corporations organized under the laws of this
35 State to operate park district facilities if the corporation
36 covenants to use the facilities to provide public park or

1 recreational programs for youth.

2 (Source: P.A. 92-614, eff. 7-8-02.)